

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Digital Broadcast Content Protection)	MB Docket No. 02-230
)	
)	

To: The Commission

MOTION FOR EXTENSION OF TIME TO FILE COMMENTS

The American Antitrust Institute (“AAI”), by its attorney, hereby requests that the Commission extend the Comment due date to the *Further Notice of Proposed Rulemaking* (“FNPRM”) in the above-captioned proceeding for 60 days, or until March 15, 2004. Such an extension is warranted for three reasons. First, this docket is highly technical and presents difficult policy and business issues that will have profound cross-industry effects on the mass media, broadcasting, CATV, DBS, computer, internet, and software sectors of the U.S. economy. The resolution of these issues will also affect international trade in motion picture and television content, consumer electronics, and IT equipment and software. AAI’s interest in these proceedings is focused on the competitive effects of the numerous choices confronting the Commission, a complex analysis which could not be fully investigated within the time currently allotted.

Second, the Commission has established interim procedures for approval of content protection technologies pending the resolution of the issues raised in the *FNPRM* and the promulgation of final rules. The interim application window is expected to open shortly. The interim applications are very likely to crystalize the technical issues as well as illuminate important policy and business details that should be considered by the Commission in connection with the *FNPRM*. Commentators should be afforded an opportunity to examine (and comment upon) any such interim applications before fashioning Comments directed at the form and substance of final broadcast content protection rules.

Finally, one of the issues raised in the *FNPRM* is whether broadcast content protection should fall under a unified regime with the rules to be promulgated as a result of the ongoing rulemaking proceeding concerning digital cable ready DTV (the *Plug-and-Play Proceeding*).¹ Thus, in order for the merits of a unified regime to be fully investigated, the issues in the instant proceeding must be considered *in pari materia* with the issues raised in the *Plug-and-Play Proceeding*. Comments in that docket are also due on January 14, 2004, and AAI has filed a contemporaneous Motion for Extension of Time for an additional 60 days therein. Granting both Motions will allow sufficient time for the joint consideration of the overlapping issues raised by both proceedings.

¹*Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices and Compatibility Between Cable Systems and Consumer Electronics Equipment*, CS Docket No. 97-80 and PP Docket No. 00-67, FCC No. 03-225 (rel. Oct. 9, 2003).

WHEREFORE, AAI respectfully requests and additional 60 days, to March 15, 2004, for all parties to file Comments in this proceeding.

Respectfully submitted,

AMERICAN ANTITRUST INSTITUTE

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By: /s/
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